

REMARKS

Review and reconsideration of the Final Office Action of December 06, 2005, is respectfully requested in view of the above amendments and the following remarks.

The claims have been amended to overcome the formalities objections. The term "segmented body" has been replaced with the term "segment body" as suggested by the Examiner.

First, Applicant notes that the Examiner specifically points out that the structure of Thiel is fundamental different from the instant invention, but the claims do not include these structural limitations (Page 11).

Second, Applicant notes that the Examiner specifically points out that the claims fail to claim a hook in each segment body (Page 13).

The claims have been amended in view of the Examiner's comments.

Applicant amended Claim 13 to specifically point out that each segment body has its own hook. **The added limitation should reasonably have been expected to be claimed because; 1) one of the main arguments against the cited reference was that the reference fails to teach a hook on each segment body; and 2) the Examiner's comments on page 13.**

Claims 1, 13, and 14 have been amended to include the limitation that the illumination device comprises an enclosed unit having segment bodies. Support for the claim amendment can be found on Figures 1 and 3 as originally filed.

In addition, Claim 13 was amended to reflect that the enclosed unit is a cylindrical unit. Support for the claim amendment can be found on Figures 1 and 3 as originally filed.

Furthermore, Claim 14 has been amended to reflect that the segment bodies are in direct contact with each other. Support for the claim amendment can be found on Figures 1 and 3 as originally filed.

Claim 15 has been added. Support for the claim amendment can be found on Figures 1-4 as originally filed.

Entry of Claim 15 is respectfully requested.

No new matter has been added to the claims by the present amendment.

Applicant believes that the present set of claims are allowable in view of the cited prior art.

Applicant arguments regarding the novelty of the claims can be found below.

Furthermore, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number to arrange a telephone interview.

Finally, Applicant is submitting herewith a copy of the Revocation of Power of Attorney with New Power of Attorney and Change of correspondence Address filed on January 10, 2006.

All correspondence should be directed to:

Evelyn A. Defillo
Defillo & Associates, Inc.
4922 Eagle Cove South drive
Palm Harbor, FL 34685

**727 772-5916 telephone
727 789-6477**

Office Action

Turning now to the Office Action in greater detail, the paragraphing of the Examiner is adopted.

Paragraphs 2-3 (Claims Formalities)

The Examiner indicated that there is insufficient antecedent basis for the limitation "segmented body" in the claims.

The position of the Examiner can be found on page 2 of the Office Action.

Basically, the Examiner suggested amended the claims by replacing the term "segmented body" with the term "segment body".

In response, Applicant has amended the claims as suggested by the Examiner.

Accordingly, withdrawal of the objection is respectfully requested.

Paragraphs 4-6 (Anticipation rejection)

The Examiner repeated his rejection of Claims 1, 2, 4, 5, 7-9, and 11-13 under 35 U.S.C. 102(b) as being anticipated by THIEL (U.S. Pat. 1,875,956).

The position of the Examiner can be found on pages 3-5 of the Office Action.

Applicant respectfully traverses.

First, Applicant notes that the Examiner specifically point out that the structure of THIEL is fundamental different from the instant invention, but the claims do not include these structural limitations (Page 11).

Second, Applicant notes that the Examiner specifically points out that the claims fail to claim a hook in each segment body (Page 13).

The claims have been amended in view of the Examiner's comments.

Applicant notes that the present set of claims includes four independent claims, namely, Claims 1, 8, 13, and 14.

The following remarks are addressed to the rejected independent Claims 1, 8, and 13, because if these claims are not anticipated, it follows that none of the other rejected dependent claims are anticipated.

Compared with Claims 1, 8, and 13, the THIEL reference fails to teach: 1) an enclosed unit and 2) each segment body includes at least one attachment point that interconnects with the attachment point of the adjacent segment body.

Regarding Point 1

A major structure difference between the THIEL reference and the present invention is that the present invention forms an enclosed unit having detachable segment bodies. The device of the cited reference does not form an enclosed unit.

The device of the THIEL reference is made up of several casing connected together in **parallel** relationship (Column 1, lines 21-25 and lines 14-15).

Applicant respectfully points out to the Examiner that a parallel configuration cannot form an enclosed configuration. (Open vs. close)

Regarding Point 2

Applicant notes that the reference utilizes a clam bolted to the flashlight. (Page 1, lines 87-94 of the reference). The clam is not part of the segment body, but rather an independent part of the system according to THIEL.

The present set of claims requires that each segment body includes an attachment point as part of the segment body and not as a separate element of the device.

Compared with Claim 13, the THIEL reference further fails to teach: 3) each segment body is shaped to complement the shape of the

adjacent segment body to form the enclosed unit and 4) each segment body further includes a hook for hanging each segment body.

Regarding point 3

Applicant notes that the segment bodies of the present invention are shaped to compliment the shape of the adjacent body; thus, an unitary shape unit is formed. See Figure 1.

The THIEL reference is directed to mounting different flashlights into a mounting platform. The flashlights are mounted in **parallel** relationship (as previously discussed); thus, there is not any technological reason to shape the flashlights to compliment the shape of the adjacent flashlight. Furthermore, the flashlights of the reference are not in direct contact with each other forming an enclosed unit.

Regarding point 4

Applicant notes that the Examiner recognized that the reference fails to teach that each that each body includes a hook. In addition, the Examiner pointed out that claims were silent regarding this matter. Applicant amended Claim 13 to specifically point out that each segment body has its own hook.

Applicant respectfully point out to the Examiner that there is not a technological motivation to modify the THIEL device by adding a **hook to each one of the flashlights**. Please note that the goal of THIEL is to provide a device that intensifies the beam of light on a focal point. (Page 1, lines 1-9 and lines 35-43). If the device of THIEL is modified by adding a hook into each flashlight, the main goal of the reference will be destroyed because the intensity of the beam will be diminished in view that the flashlight are separated.

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 7-12 (Obviousness Rejections)

The Examiner rejects Claims 3, 6, and 10 under 35 U.S.C. 103(a) as being obvious over THIEL (U.S. Pat. 1,875,956).

The position of the Examiner can be found on pages 5-7 of the Office Action.

Applicant respectfully traverses for the same reasons set forth above and the following remarks.

First, Claims 3, 6, and 10 depend on novel Claims 1 and 8. Claims 1 and 8 are novel in view of the THIEL reference in view of the reasons set forth above. If Claims 1 and 8 are not anticipated by the reference, it follows that none of the other rejected dependent claims are anticipated by the reference.

Second, Applicant respectfully point out to the Examiner that there is not a technological motivation to modify the THIEL device by adding a **hook to each one of the flashlights**. Please note that the goal of THIEL is to provide a device that intensifies the beam of light on a focal point. (Page 1, lines 1-9 and lines 35-43). If the device of THIEL is modified by adding a hook into each flashlight, the main goal of the reference will be destroyed because the intensity of the beam will be diminished in view that the flashlight are separated.

A §103 rejection based upon a modification of a reference that destroys the intent, purpose or function of the invention disclosed in the reference, is not proper and the *prima facie* case of obviousness cannot be properly made. In short, there would be no technological motivation for engaging in the modification or change. To the contrary, there would be a disincentive. In re Gordon 221 USPQ 1125 (Fed. Cir 1984).

Furthermore, Applicant notes that in order for a 103 rejection to be proper all of the following must be true: (1) all of the references

that the Examiner is relying on must have been in the prior art (in a chronological sense), (2) all of the references must be either in the field of the inventor's endeavor or in a reasonably pertinent field, (3) the reference(s) must generally place the subject matter of the claimed invention in prior art, (4) a reason, suggestion or motivation for combining the teachings of the references to produce the claimed invention must be present in the prior art, and (5) the resulting combination or modification of the prior art would render the claimed invention obvious to a person having ordinary skill in the art.

In the present case, elements 3, 4, and 5 are not met by the Examiner.

The third element requires that the references "teach or suggest all the claim limitations," that is, all the features of the claimed invention (MPEP 2143). In the words of the Federal Circuit, "the test for obviousness is not whether the features of one reference may be bodily incorporated into another reference Rather, we look to see whether combined teachings render the claimed subject matter obvious."

Regarding this point, Applicant respectfully point out to the Examiner that not a technological motivation to modify the THIEL device by adding a **hook to each one of the flashlights**. Please note that the goal of THIEL is to provide a device that intensifies the beam of light on a focal point. (Page 1, lines 1-9 and lines 35-43). If the device of THIEL is modified by adding a hook into each flashlight, the main goal of the reference will be destroyed because the intensity of the beam will be diminished in view that the flashlight are separated.

The fourth element requires that the prior art as a whole contain some implicit or explicit reason, suggestion or motivation for a

person of ordinary skill (having no knowledge of the claimed invention) to combine or modify the references in the way proposed by the Examiner. Just because references can be combined or modified does not render the proposed combination obvious, unless the prior art also suggests the desirability of the combination (MPEP 2143.01). A reasonable expectation of success of the proposed combination or modification is also required (MPEP 2143.02).

Regarding this point, Applicant notes that the Examiner indicated that hooks are well known in the art and one would have been motivated to secure the body to a structure by hanging it from a hook.

Applicant agrees with the Examiner. Hooks are well known in the art. Applicant does not agree with the Examiner on his remarks that a person skilled in the art will though of hanging a flashlight. A person skilled in the art will hang lamps and lantern, but not a flashlight. The main function of a flashlight is to intensify the beam of light on a focal point; thus, flashlights are designed to be used in conjunction with the hands of the user. In addition, flashlights are traditional storage in a lie position and not hanging from a structure. Proof of this is the way that flashlights are stored at the hardware stores.

Furthermore, the goal of THIEL is to provide a device that intensifies the beam of light on a focal point. (Page 1, lines 1-9 and lines 35-43). If the device of THIEL is modified by adding a hook into each flashlight, the main goal of the reference will be destroyed because the intensity of the beam will be diminished in view that the flashlight are separated.

The fifth element requires that the combination of teachings assembled by the Examiner appear to show or suggest that the claimed subject matter would have been obvious at the time the claimed invention was made to a person having ordinary skill in the art (not today, but way back when you thought of it). It is not the opinion of the inventor or the Examiner (who may be experts in the art), but that of the hypothetical "person of ordinary skill" who is presumed to be aware of all of the pertinent prior art and who has "the capability of understanding the scientific and engineering principles applicable to the pertinent art" that counts (MPEP 2141.03).

In response to this point, The Applicant may respectfully repeat his previous arguments.

Accordingly, withdrawal of the rejection is respectfully requested.

Paragraphs 13-16 (Obviousness Rejections)

The Examiner rejects Claim 14 under 35 U.S.C. 103(a) as being obvious over THIEL (U.S. Pat. 1,875,956).

The position of the Examiner can be found on pages 7-9 of the Office Action.

Applicant respectfully traverses for the same reasons set forth **regarding Claim 1** and the following remarks.

Applicant's position regarding the difference between Claim 1 and the THIEL reference are repeated in this section. Applicant notes that Claim 14 contains further limitations that are included on Claim 1.

Compared with Claim 14, the THIEL reference further fails to teach: 5) each segment body is placed in direct contact with the adjacent segment body.

Applicant notes that each segment body of the present invention is placed in **direct contact** with the adjacent segment body in order to be able to form the enclosed unit.

In the cited reference there is **a space** between the casings to allow the operator **to grasp any** of the casings and carrying the light in this manner. (Column 1, lines 21-25).

Thus, the reference is teaching away from the present invention according to claim 14. Furthermore, the reference does not have any technological motivation to modify the space between the lanterns, because the space is need in order to the operator **to grasp any** of the casings.

Accordingly, withdrawal of the rejection is respectfully requested.

Favorable consideration and early issuance of the Notice of Allowance are respectfully requested. Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number **to confirm the date and time of the interview.**

Respectfully submitted,



Evelyn A. Defillo

Registration No. 45,630

DEFILLO & ASSOCIATES, INC.
4922 Eagle Cove South Drive
Palm Harbor, FL 34685
727 772-5916 telephone

Date: **March 6, 2006**